

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

REGINALD SAXTON,)
)
Plaintiff,)
)
v.) 1:22-cv-65
)
DENIS MCDONOUGH, Secretary)
Department of Veterans Affairs,)
)
Defendant.)

ORDER

On February 13, 2023, the United States Magistrate Judge's Memorandum Opinion and Recommendation ("Recommendation") was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 35, 36.) No objections were filed within the time limits prescribed by Section 636.

While the analysis of the Magistrate Judge is compelling, Plaintiff did not receive the Recommendation and notice. (Docs. 35, 36.) Plaintiff has failed to keep the court advised as to his current address. See LR 11.1(b). Therefore, this court elects to dismiss this matter without prejudice, see id., instead of adopting the Recommendation.

The record reflects that the Magistrate Judge's Text Order was mailed to Plaintiff on December 12, 2022, (Doc. Ent. 12/12/2022), and returned on January 23, 2023 marked


undeliverable, (Doc. 34). On February 13, 2023, the Magistrate Judge's Recommendation and a notice were served by mail to Plaintiff's last known address at 1417 W. Bank Street, Apt. A, Salisbury, North Carolina 27144-3976, but returned as undeliverable on March 2, 2023, (Doc. 38). This court has no obligation to locate Plaintiff to provide actual notice; instead, it is the duty of a litigant to keep this court informed of a current address. LR 11.1(b). Because Plaintiff has not provided the court with an address within 63 days of the date of a mailing returned by the U.S. Postal Service, that is, January 23, 2023, (Doc. 34), the court finds the case should be dismissed without prejudice for failure to prosecute. See LR 11.1(b).

IT IS THEREFORE ORDERED that this action be, and is hereby, **DISMISSED WITHOUT PREJUDICE** pursuant to Local Rule 11.1(b) for failure to prosecute.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss, (Doc. 22), is denied as moot.

A Judgment dismissing this action will be filed contemporaneously with this Order.

This the 31st day of March, 2023.


United States District Judge